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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/962,032 10/31/97 CHAPMAN

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EXAMINER
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PM82/0403

DANIEL L CHAPMAN  
PO BOX 710315  
SANTEE CA 92072-0316

BUCKLEY, D

ART UNIT	PAPER NUMBER
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3641

13

DATE MAILED:

04/03/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

08/962,032

Applicant(s)

Chapman

Examiner

Denise J Buckley

Group Art Unit

3641

☒ Responsive to communication(s) filed on Feb 2, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 61-80 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 61, 63, 66-68, 73-77, and 79 is/are rejected.

☒ Claim(s) 62, 64, 65, 69-72, 78, and 80 is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. The request filed on 2/2/00 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 08/962032 is acceptable and a CPA has been established.

An action on the CPA follows.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 61,63,66-68,73-75, 77, and 79 are rejected under 35 U.S.C. 102(b) as being anticipated by Khoury. Khoury discloses a sear, a trigger, a trigger bar, a blocking means which aligns the trigger bar, acts directly on the sear catch, blocks the firing element, is positioned at the rear of the frame in a recessed state with it's transverse width being the same dimension, has a stop to prevent further downward motion and when removed,the gun is precluded from it's "normal" operation. There is a slidable connecting means to the trigger which is inoperable when removed satisfying the above claims. Applicant's arguments filed 2/2/00 have been fully considered but they are not persuasive. One can simply call the firing element a firing pin, since

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there aren't any further limits describing the firing element than being longitudinally slidable, and the blocking means acts directly on the sear catch of said firing element. It is inherent that by the removal of the connecting means or blocking means the gun will not operate in it's "normal" fashion.

5. Claim 76 is rejected under 35 U.S.C. 103(a) as being unpatentable over Khoury in view of Floyd or Oberhammer. Khoury is substantially disclosed above however, Khoury does not disclose a detachable backstrap. Floyd or Oberhammer teach the use of a detachable backstrap. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the teaching of Floyd or Oberhammer on the device of Khoury in order to have easy access to the firing elements.

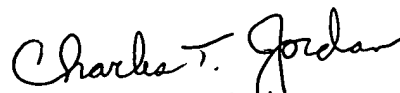
6. Claims 62,64, 65,69-72, 78 and 80 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Munostes et al., Bercu, Numbers, Hillberg, Warner et al., Haight and Mossberg are cited to show firing mechanisms for firearms.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Denise J. Buckley whose telephone number is (703) 305-0041.



DJB, March 28, 2000



Charles T. Jordan  
Supervisory Patent Examiner  
Group 3600